

**West Stockbridge Planning Board**  
**Meeting Minutes February 7, 2022**  
***Via Zoom***

Dana called the meeting to order at 7:01 pm. Planning Board (PB) members present: Dana Bixby, Chair, Ryan Beattie, Gunner Gudmundson, Sue Coxon and Andrew Fudge. Others present: Karen Kavanagh, Administrative Assistant. Seth Jenkins, BRPC. Katy Bixby.

Dana acknowledged Seth Jenkins. Seth said he has been trying to sit in on town meetings and offered to meet with Dana in anticipation of being on the agenda of a future PB meeting.

**Minutes were reviewed and approved as follows:**

- January 10th. Andrew moved to approve the minutes. Ryan seconded. The motion carried 3 to 0. (Sue and Gunner abstained as they did not attend the meeting).
- January 24th. Ryan moved to approve the minutes. Sue seconded. The motion carried 4 to 0. (Andrew abstained as he did not attend the meeting).

**Dana asked to recap the Public Hearing schedule from January 24th PB mtg:**

- **53 Maple Hill Road SP:** Public Hearing date 2/28/22
- **Swamp Rd/43 Lenox Road SP:** Public Hearing date 3/14/22
- **Marzotto Definitive Plan:** Public Hearing date 3/28/22

**Swamp Rd/43 Lenox Road SP:** Dana advised that PB should inform Building Inspector of the date of the hearing, acknowledging receipt of his email recommending need for further information regarding site engineering. Dana suggested the PB will need to make a site visit to review frontage and grades.

**Zoning Changes at Annual Town Meeting**

Dana stated that the Planning Board will need to hold a Public hearing ahead of the Annual Town Meeting to get zoning changes on the warrant for ATM. The changes the planning board recommends to the Selectboard to correct the General Code version of the zoning are:

**Section 11.1.1 remove 2nd second sentence.** Dana stated that in the General Code process she had reviewed the VCOD, Marijuana and Solar Bylaws changes, but not all of the General Code version in its entirety. The second sentence of 11.1 was not present in the West Stockbridge zoning bylaws. The board discussed that state statutes do not stipulate that zoning changes be made only at Annual Town Meetings and thus the proposed amendment should go forward to revert to our zoning as it was before General Code.

**Update ZBA timeframe for response** sec 7.6 will be amended from 120 days to 100 days per recommendation by ZBA.

Dana noted that the final deadline for the ATM warrant was mid-March, and expediency would be required in scheduling any public hearings for items needing to be included. (Mainly, Section 11.1.1 second sentence and sec 7.6 change).

**Other Zoning Discussion**

- Uses where Selectboard is SPGA to be changed to PB as SPGA was discussed - scope of changes awaits input from Selectboard
- ADU and STR bylaws. Dana expressed her hope that zoning changes regarding ADU and short term rentals could be made by late summer at a Special Town Meeting.
- Wetlands Overlay District and Floodplain Overlay District bylaws. Dana discussed the necessity of cleaning up the Wetlands Overlay District bylaw. Dana recommended eliminating the Wetlands overlay district. Dana also recommended cleaning up the Floodplain Overlay District regulations to reference a more dynamic flood plain map.
- Right to Farm bylaw. Dana recommended updating existing Right to Farm bylaw to be consistent with the more nuanced state law definition of farm.
- Other zoning bylaw "clean up" recommended by Dana:

## Zoning items cont'd

- Definition of "Half story" under dimensional requirements
- Update all references to "business district" to "commercial district" (bylaw does not define or refer to "business district")
- Update fence bylaw as requested by Building Inspector.

## Proposed STR Bylaw

Sue stated she had compiled information based on adjoining town's bylaws. Dana suggested she and Sue review further. Gunnar suggested Stockbridge could be the main framework for this. Gunnar noted that Lenox and Stockbridge both exclude corporations with the exception of LLCs to own STRs. PB agreed further research is needed on this point. Gunnar stated that the goal of WS proposed STR bylaw is to benefit individual homeowners. Seth Jenkins asked whether WS planned on having owner occupancy requirement. Gunnar stated that Stockbridge and Lenox seemed to allow for owner not to be present. Dana mentioned a date limit of +/-75 days for private owners, longer with Special Permit.

## Subdivision Control Law rules

Sue revisited fee discussion from January 24th meeting re: Form C Definitive Plan. Karen reiterated the point from 1/24 meeting that when the PB finishes reviewing the updated SCL rules that the PB will revisit the Fee schedule prior to voting to accept the SCL.

Karen brought up Lee's subdivisions and street hierarchy as something for West Stockbridge to emulate. Dana agreed some updates to West Stockbridge subdivision regulation would be useful, though this had not been an issue in the past.

## Williamsville In Discussion - Cont. of Public Hearing - Feb 10th 7 pm

Board discussed citizen opposition, and potential or desired changes to be made by applicant. Dana said that Jon Piasecki (a member of the neighborhood) had organized neighbors to oppose the project as proposed. Sue asked why Jon did not like it. Dana paraphrased, mentioning the distribution of new buildings across wetlands, and the development being inconsistent with the character of the town. Dana expressed her opinion that the PB needed to learn more about the proposal, and encouraged other members of the PB to attend the continuation of public hearing. Dana noted the application needed more information on drainage and parking. Dana noted this brought up the larger need to incorporate site plan review into zoning bylaw. Dana noted that the applicants' lawyer had referenced Section 4.10 of zoning (regulating large scale development) in the application. Dana expressed disagreement, as it is a non-conforming use and thus under the jurisdiction of ZBA. Dana said she had sent a letter to the ZBA stating this. Dana expressed apprehension about the project as presented and reiterated that PB members are encouraged to attend the continuation of Public Hearing.

## Community Preservation Committee

Dana stated that a PB member is needed to serve on this. Marie Ryan had set a Jan 31st deadline for confirmation. Sue Coxon volunteered to represent the PB. The PB thanks Sue.

## Checklist for Special Permit application

The board discussed the Special Permit checklist that Karen had prepared. Karen stated that the checklist in its current form was not sufficient in ensuring complete applications. The PB expressed an understanding that applicants are not experts, and thus some leniency is appropriate.

The PB discussed how to ensure applications were stamped and reviewed in a timely way. Karen also mentioned the difference between "shall" being mandatory, and "may" being an option in zoning bylaw 6.1. Karen noted that zoning bylaw 6.1. predominately utilized the term "shall", making stipulations mandatory (as opposed to the wording "may"). Karen noted that this puts pressure on applicants to maintain deadlines.

SP appl cont'd

Karen and Dana discussed strategies for following up with special permit applicants to ensure permits are filed with Southern Berkshire Registry of Deeds in a timely fashion. Karen will try sending reminder letters and forwarding info to Building Commissioner if there is no response within two weeks.

**Upcoming Meeting with Selectboard**

Dana advised that SB requested a meeting with Dana and Randy Thunfors on Feb 17th, to discuss increasing budget to fund a part-time planner. Dana suggested managing the paperwork/process would be appropriate to add to the planners job description. Dana stated that the next steps would be to develop a job description and a budget.

**Other Business**

With no further business to conduct, the meeting was adjourned at 8:28 p.m.

Respectfully submitted,  
Katy Bixby  
on behalf of Sue Coxon, Clerk